

UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF CALIFORNIA

TBM N160TM, LLC, *a California limited liability company*,

BLACKHORSE, LLC, *a California limited liability company*,

Plaintiffs,

v.

SIGNATURE FLIGHT SUPPORT, LLC, *a Delaware limited liability company*,

Defendant.

Case No. 1:24-cv-00963-KES-HBK

ORDER GRANTING STIPULATED
MOTION FOR PLAINTIFF TO FILE
SECOND AMENDED COMPLAINT

(Doc. No. 7)

On August 16, 2024, Defendant removed this action from Fresno Superior Court to this Court. (Doc. No. 1). On August 19, 2025, the Parties filed a stipulation to permit Plaintiff to file a second amended complaint as it appears in Exhibit "A." (Doc. No. 7). The second amended complaint is necessary to reflect the recent change in the name of a party. Specifically, Plaintiff Blackhorse, LLC recently changed its business name as registered with the California Secretary of State to Blackhorse Clovis, LLC. The parties further stipulate that Defendant is not required to file an answer to the second amended complaint and its answer previously filed on June 21, 2024 in the Fresno Superior Court is deemed to be Defendant's answer to the anticipated second amended complaint. (*Id.*). See *KST Data, Inc. v. DXC Tech. Co.*, 980 F.3d 709, 715 (9th Cir.

2020) (recognizing defendant's prior response is not mooted by amendment when allegations in the amended complaint do not change scope or theory of case).

Rule 15 governs amended complaints and supplemental pleadings. Fed. R. Civ. P. 15. After an answer, "a party may amend its pleading only with the opposing party's written consent or the court's leave" and the "court should freely give leave when justice so requires." Fed. R. Civ. P. 15(a)(2). Defendant consents to Plaintiff filing a second amended complaint.

Accordingly, it is **ORDERED**:

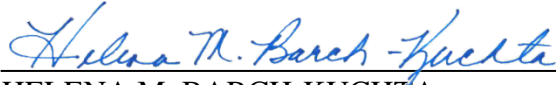
1. The Parties' joint motion for leave for Plaintiff to file a second amended complaint (Doc. No. 7) is GRANTED.

2. Plaintiff shall file the second amended complaint within ten (10) days.

3. The **Clerk** shall terminate the earlier motion (Doc. No. 5) filed the same day that failed to attach the proposed second amended complaint.

4. Defendant is not required to file an answer to the second amended complaint and its answer previously filed on June 21, 2024 shall be deemed its answer to the second amended complaint.

Dated: August 19, 2024


HELENA M. BARCH-KUCHTA
UNITED STATES MAGISTRATE JUDGE